

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

- against -

ARMANDO BOTTA

05CR30002-MAP

**AFFIDAVIT OF LORI H. LEVINSON IN SUPPORT OF MOTION TO
CONTINUE TRIAL DATE**

I, LORI H. LEVINSON, hereby state, under the penalties of perjury, as follows:

1. I am the attorney for the defendant herein, and am therefore fully familiar with the facts and circumstances of this case;
2. This case has been scheduled for trial commencing on December 12, 2005.
3. I have conferred with my co-counsel, Michael Foy, and he has advised me that he would be seeking a continuance of the trial;
4. I assent to the continuance of the trial date on behalf on Mr. Botta. In addition to Mr. Foy's reasons for requesting a continuance, my schedule requires me to join in this request. I have two federal appeal briefs due in the First and Second Circuits at the end of November and early to mid-December, several state Superior Court trials scheduled in November, and a Murder in the First Degree trial scheduled to begin in early to mid-January,

2006, in Berkshire County Superior Court each of which will require an extraordinary amount of time.

5. Mr. Botta has no objection to the issuance of an order of excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) for the period of time from the date of any order continuing the trial until the date of such trial.


LORI H. LEVINSON

Dated: November 2, 2005